

P14-1022 and P14-1195
Exhibit A, Draft Conditions of Approval

Genius Kids
5698 Stoneridge Drive
October 22, 2014

STANDARD CONDITIONS OF APPROVAL
Planning

1. The proposed use and development shall be in substantial conformance to Exhibit B, dated "Received, September 16, 2014," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans and/or operation may be allowed subject to the approval of the Director of Community Development.
2. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and the project applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
3. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.
4. Prior to occupancy, the landscape architect or landscape designer shall certify in writing to the Director of Community Development that the landscaping has been installed in accordance with the approved landscape and irrigation plans with respect to size, number, and species of plants and overall design concept.
5. Before project occupancy, all landscaping shall be installed, reviewed, and approved by the Planning Division.
6. The building permit plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project applicant or developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.

7. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
8. A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
9. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved by temporary conditional use permit as part of a decorating plan in conjunction with shopping center promotional events. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

SPECIAL CONDITIONS OF APPROVAL

Planning

10. This Conditional Use Permit and Design Review approvals shall lapse and shall become void one year following the date on which the use/design review permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of Section 18.12.030 of the Pleasanton Municipal Code.
11. If the project applicant or developer wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
12. The applicant shall obtain State license approval for the business prior to operation, and provide a copy to the Planning Division upon receipt from the State. The operator/director of the business shall ensure that the State license is current and that all State licensing requirements are met at all times. The facility shall enroll only the number of children for which it has a State license.

13. Prior to issuance of a business license, the daycare/tutoring facility shall prepare and submit a disaster plan for the facility to the Planning Division and shall ensure that it is always in effect.
14. Prior to any individual working and/or providing services at the daycare/tutoring facility, said persons shall complete and pass a criminal background check and shall undergo and pass first-aid and CPR training. The project applicant or developer shall ensure that these certifications are current at all times. The project applicant or developer shall submit a letter to the Planning Division stating that all persons at the daycare/tutoring facility have satisfied these requirements.
15. If the operation of this use results in conflicts pertaining to parking, noise, traffic, or other impacts, at the discretion of the Director of Community Development, this conditional use permit may be referred to the Planning Commission for subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit.
16. The project applicant or developer shall not operate the daycare/tutoring business until construction of the playground is complete and accepted by the Planning Division and Chief Building and Safety Official and by the Community Care and License Division.
17. Should Genius Kids wish to have more than 90 children and/or nine staff, City review and approval shall be required.
18. The use shall comply with all applicable requirements of the City's noise ordinance.
19. Children 12 years and younger who do not take a Genius Kids van shall be signed in/out of the daycare/tutoring facility by a parent and/or legal guardian. Children 12 years and younger who take a Genius Kids van shall be signed in by a school designated staff member and signed out by a parent and/or legal guardian.
20. All vehicles used by Genius Kids to pick-up children shall have a Genius Kids emblem placed on the doors of the van.
21. All vehicles used by Genius Kids to pick-up children shall have two members of the Genius Kids staff staffing the vehicle during pick-ups and drop-offs.
22. All vehicles used by Genius Kids to pick-up students shall have access to a means of communication so that the driver can be in direct contact with Genius Kids staff at all times when picking up and dropping off the students.
23. Drivers for the Genius Kids vans shall have a student roster to verify students' names and grades.

24. The applicant shall place dirty diapers in airtight bags before depositing the diapers in the on-site common trash bin.
25. There shall be no outdoor storage.
26. Genius Kids its, employees and/or volunteer staff shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.
27. Genius Kids staff shall keep the doors to the daycare/tutoring facility closed at all times except when being used to enter/exit the building.
28. The outdoor play area shall be supervised by Genius Kids staff, and shall only be occupied by 24 children at any one time and shall be used from 10:00 p.m. to 12 noon in the morning and then from 3:00 p.m. to 5:00 p.m. in the afternoon.
29. If additional hours of operation or change of activities beyond what is stated in the applicant's written narrative, dated "Received, September 16, 2014," on file with the Planning Division, are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
30. Planning Division approval is required before any changes are implemented in site design, grading, exterior building design, colors or materials, landscape material, etc. Any interior change to the floor plan and/or to the outdoor play area that may be required by the Community Care Licensing Division (CCLD) of the California State Department of Social Services shall also be reviewed by the City's Department of Community Development.
31. This approval does not include approval of any signage for Genius Kids. If signs are desired, Genius Kids shall submit a sign proposal to the City for review and approval prior to sign installation. All signs shall conform to the Hacienda Plaza sign program.
32. The project applicant or developer shall delete the green vinyl netting from the wrought-iron style fence surrounding the fence and, instead, shall install shrubbery in the play area behind the fence to buffer and screen the play area from view. The landscape plans shall be submitted with the building permit plans for review and approval by the Department of Community Development, before the issuance of a building permit, and are also subject to review and approval by the Hacienda Owners Association.
33. Portable toilets used during construction shall be kept as far as possible from existing businesses and shall be emptied on a regular basis as necessary to prevent odor.

34. The project applicant or developer shall obtain a Building Permit from the Building and Safety Division and any other applicable City permits for the project prior to the commencement of any construction.
35. All trees used in landscaping be a minimum of 24-inch box size and all shrubs a minimum of five-gallons, unless otherwise shown on the approved landscape plan.
36. Any excess soil from the site shall be off-hauled from the site and disposed of in a lawful manner. No temporary stockpiling of dirt on this site shall occur without specific review and approval by the Planning Division.
37. The business shall comply with Chapter 9.24 of the Pleasanton Municipal Code (Smoking in Public and Work Places).
38. The height of the black wrought-iron style fence may vary in height from five feet to six feet, measured from the top of the retaining wall or from grade, whichever is lower. This change and the height of the fence shall be shown on the building permit plans before the issuance of a building permit.

STANDARD CONDITIONS OF APPROVAL Engineering

39. Any damage to existing street improvements during construction on the subject property shall be repaired to the satisfaction of the City Engineer at full expense to the project applicant or developer. This shall include slurry seal, overlay, or street reconstruction if deemed warranted by the City Engineer.
40. The project applicant or developer and/or the project applicant's or developer's contractor(s) shall obtain an encroachment permit from the City Engineer prior to moving any construction equipment onto the site.

STANDARD URBAN STORMWATER CONDITIONS OF APPROVAL

The project shall comply with the "Alameda Countywide NPDES Permit #CAS612008 dated October 14, 2009 and amendments to this permit" issued the by California Regional Water Quality Control Board, San Francisco Bay Region, a copy of which is available at the Community Development Department, Public Works/Engineering section at City offices, Alameda County Clean Water Program and at State Water Board

(http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/index.shtml;

and

41. The project applicant or developer is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure, shall be included in the SWPPP and implemented as approved by the City.
- a. The project applicant or developer shall include erosion control/stormwater quality measures on the final grading plan which shall specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydroseeding, hay bales, sandbags, and siltation fences and are subject to the review and approval of the City Engineer/Chief Building and Safety Official. If no grading plan is required, necessary erosion control/stormwater quality measures shall be shown on the site plan submitted for an on-site permit, subject to the review and approval of the Building and Safety Division. The project applicant or developer is responsible for ensuring that the contractor is aware of and implements such measures.
 - b. Gather all sorted construction debris on a regular basis and place it in the appropriate container for recycling; to be emptied at least on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater runoff pollution.
 - c. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement and storm drains adjoining the site. Limit construction access routes onto the site and place gravel on them. Do not drive vehicles and equipment off paved or graveled areas during wet weather. Broom sweep the street pavement adjoining the project site on a daily basis. Scrape caked-on mud and dirt from these areas before sweeping.
 - d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
 - e. Never clean machinery, equipment, tools, brushes, or rinse containers into a street, gutter, or storm drain.
 - f. Ensure that concrete/gunite supply trucks or concrete/plaster operations do not discharge wash water into streets, gutters, or storm drains.
 - g. Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste,

clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.

- h. Use an off-site repair shop as much as possible. For on-site maintenance, use designated areas away from the storm drainage facility. Always use secondary containment and keep stockpile of cleanup materials nearby. Regularly inspect vehicles and equipment for leaks and repair quickly or remove from the project site. Train employees on spill cleanup procedures.

STANDARD CONDITIONS OF APPROVAL

Fire

- 42. The project applicant or developer shall keep the site free of fire hazards from the start of construction until the final inspection.

STANDARD CONDITIONS OF APPROVAL

Building

- 43. All retaining walls higher than four feet from the top of the wall to the bottom of the footway shall be constructed of reinforced concrete, masonry, or other material as approved by the Director of Community Development, or shall be an approved crib wall type. Calculations signed by a registered civil engineer shall accompany the wall plans.
- 44. Prior to issuance of building or demolition permits, the applicant shall submit a waste management plan to the Building and Safety Division. The plan shall include the estimated composition and quantities of waste to be generated and how the project applicant or developer intends to recycle at least 75 percent of the total job site construction and demolition waste measured by weight or volume. Proof of compliance shall be provided to the Chief Building and Safety Official prior to the issuance of a final building permit. During demolition and construction, the project applicant or developer shall mark all trash disposal bins "trash materials only" and all recycling bins "recycling materials only." The project applicant or developer shall contact Pleasanton Garbage Service for the disposal of all waste from the site.
- 45. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshal to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

STANDARD LANDSCAPING CONDITIONS OF APPROVAL

Landscaping Requirements:

- 46. The project applicant or developer shall provide root control barriers and four inch perforated pipes for parking lot trees, street trees, and trees in planting

areas less than ten feet in width, as determined necessary by the Director of Community Development at the time of review of the final landscape plans.

STANDARD CONDITIONS OF APPROVAL

Community Development Department

47. The project applicant or developer shall submit a refundable cash bond for hazard and erosion control. The amount of this bond will be determined by the Director of Community Development. The cash bond will be retained by the City until all the permanent landscaping is installed for the development, including individual lots, unless otherwise approved by the department.

CODE REQUIREMENTS

Fire

(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)

48. All construction shall conform to the requirements of the California Fire Code currently in effect, City of Pleasanton Building and Safety Division and City of Pleasanton Ordinance 2015. All required permits shall be obtained.
49. City of Pleasanton Ordinance 2015 requires that all new and existing occupancies be provided with an approved key box from the Knox Company as specified by the Fire Department. The applicant is responsible for obtaining approval for location and the number of boxes from the Fire Prevention Bureau. Information and application for Knox is available through their website or the Fire Prevention Bureau. Occupant shall be responsible for providing tenant space building access keys for insertion into the Knox Box prior to final inspection by the Fire Department. Keys shall have permanent marked tags identifying address and/or specific doors/areas accessible with said key.
50. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
51. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame- producing devices, asphalt/tar kettles, etc.

CODE REQUIREMENTS
Building

(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)

52. All building and/or structural plans must comply with all codes and ordinances in effect before the Building and Safety Division will issue permits.

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